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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,735	01/10/2000	SHINICHI KURANARI	FUJR-16.835	4671

7590 11/27/2002

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EXAMINER
AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/480,735	Applicant(s) KURANARI ET AL.
	Examiner Joseph E. Avellino	Art Unit 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1-8 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on January 10, 2000 was submitted in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (hereinafter AAPA) in view of Ellesson et al. (USPN 6,459,682) (hereinafter Ellesson).

6. Referring to claims 1 and 8, AAPA discloses a network interconnection apparatus for interconnecting a LAN and an ATM network to perform communications, comprising:

routing information managing means for managing routing information of the ATM network (p. 2, lines 16-24);

QoS guarantee determining means for determining based on the routing information whether or not the set QoS can be guaranteed (p. 2, lines 16-24);

QoS adjusting means for adjusting the QoS so that the QoS can be guaranteed, if it is judged that the QoS cannot be guaranteed (p. 2, lines 16-24); and

call connection control means for performing call connection according to the QoS which can be guaranteed (p. 2, lines 16-24);

AAPA does not disclose statistical information managing means for managing statistical information on traffic of the LAN and QoS setting means for setting QoS which the ATM network ought to guarantee, based on the statistical information. Ellesson discloses:

statistical information managing means for managing statistical information on traffic of the LAN (col. 3, lines 11-21); and

QoS setting means for setting QoS which the ATM network ought to guarantee, based on the statistical information (col. 3, lines 11-21).

It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ellesson with AAPA to react properly to short and long term fluctuations and congestion as taught by Ellesson (col. 2, lines 61-65.

7. Referring to claim 2, AAPA in view of Ellesson discloses the network interconnection apparatus as stated in the claims above. Ellesson further discloses statistical information managing means manages, as the statistical information, a traffic volume which is a sum of frame sizes or a total number of frames within a fixed time interval and which reflects traffic status of the LAN, and an average traffic volume thereof (col. 5, lines 63-65; col. 11, lines 11-29). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of AAPA with Ellesson to get an accurate representation of the traffic load on the LAN.

8. Referring to claim 3, AAPA in view of Ellesson discloses the network interconnection apparatus as stated in the claims above. Ellesson further discloses selecting a constant transmission rate as service category if a maximum traffic volume is smaller than an augmented average traffic volume, and selects a variable transmission rate as the service category if the maximum traffic volume is greater than

the augmented average traffic volume (col. 5, lines 55-65). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ellesson with AAPA to alleviate bottlenecking and reduce congestion on the network.

9. Referring to claim 4, AAPA in view of Ellesson discloses the network interconnection apparatus as stated in the claims above. Ellesson further discloses adjusting a maximum burst size of QoS whose service category is variable transmission rate (paced) and whose maximum cell rate has been judged to be incapable of being guaranteed so that the QoS can be guaranteed (col. 9, line 46 to col. 10, line 30). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ellesson with AAPA to alleviate congestion and regulate the transmission of packets over overused links.

10. Referring to claim 6, AAPA in view of Ellesson discloses the network interconnection apparatus as stated in the claims above. Ellesson further discloses route-selecting means for selecting a route according to preferential QoS if there exists a plurality of route options when the call connection is to be performed (col. 7, lines 1-15). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of AAPA with Ellesson to avoid bottlenecking of the network and reduce congestion on the links.

11. Referring to claim 7, AAPA in view of Ellesson discloses the network interconnection apparatus as stated in the claims above. Ellesson further discloses connection to a maintenance terminal unit (control server) for performing maintenance and management (col. 6, lines 27-38). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ellesson with AAPA to maintain efficient transmission of packets throughout the network.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Ellesson as applied to claim 1 above, and further in view of Ellington, Jr. et al. (USPN 6,175,569) (hereinafter Ellington).

12. AAPA in view of Ellesson discloses the network interconnection apparatus as stated in the claims above. AAPA in view of Ellesson do not disclose comprising QoS information notifying means for making notification of QoS information to outside. Ellington discloses QoS information notifying means for making notification of QoS information to outside (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ellington with AAPA and Ellesson to allow other networks to know about the quality of service requirements of the LAN.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Kavak et al. (USPN 6,104,725) discloses a telecommunication system including a LAN and an ATM network.

15. Picazo, Jr. et al. (USPN 6,006,275) discloses a network connector operable in bridge mode and bypass mode.

16. Alexander et al. (USPN 6,226,297) discloses a method and system for providing redundancy to asynchronous transfer mode emulated local-area networks.

17. Frick et al. (USPN 6,345,055) discloses providing interoperability between network clients having different versions of LAN emulation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
October 18, 2002

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100